



30 DEC 2002
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In re Application of :
HIJIKATA et al. :
Application No.: 09/424,670 :
PCT No.: PCT/JP99/01649 :
Int. Filing Date: 31 March 1999 : DECISION
Priority Date: 31 March 1998 :
Attorney Docket No.: 104824 :
For: MICROCOMPUTER, ELECTRONIC :
EQUIPMENT, AND DEBUGGING SYSTEM :

This communication is in response to applicants' "SECOND RESUBMISSION OF PETITION" filed 18 October 2002, which has been treated as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 31 March 1999, applicants filed international application PCT/JP99/01649, which claimed a priority date of 31 March 1998. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 13 September 1999. The twenty-month period for paying the basic national fee in the United States expired at midnight on 30 November 1999.

On 29 November 1999, applicants filed a TRANSMITTAL LETTER (FORM PTO-1390) for entry into the national stage in the United States which was accompanied by, *inter alia*, a translation of the international application as filed into English, the U.S. Basic National Fee of \$840, and an authorization to charge any additional fees to Deposit Account No. 15-0461. These application papers were assigned application number 09/424,670.

On 02 March 2000, applicants submitted a "REQUEST FOR NOTIFICATION OF MISSING REQUIREMENTS" which was accompanied by "[c]opies of the PCT Transmittal and postcard acknowledgment of receipt." Apparently, this submission was treated as a new application and was assigned application number 09/486,799. The amount of \$840 was charged to Deposit Account 15-0461 for the U.S. basis national fee in application number 09/486,799 on 09 March 2000. (This amount was credited to Deposit Account 15-0461 on 07 March 2001.)

On 18 April 2000, the USPTO mailed a NOTIFICATION OF MISSING

REQUIREMENTS UNDER 35 U.S.C. 371 (Form DO/EO/905) for application number 09/424,670 indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(e) were required.

On 11 May 2000, applicants submitted in application number 09/424,670 a declaration of inventors and the surcharge under 37 CFR 1.492(e).

On 18 October 2002, applicants submitted the instant "SECOND RESUBMISSION OF PETITION".

DISCUSSION

Initially, it is noted that the file wrapper for application number 09/424,670 and the file wrapper for application number 09/486,799 have been located. Accordingly, the petition to accept the copy of the application papers accompanying the submission filed 18 October 2002 as having been received on 29 November 1999 is moot.

Upon review of both application files, it is concluded that the papers filed 02 March 2000 were erroneously processed as a purported new application and assigned application No. 09/486,799. At some point, application number 09/424,670 was erroneously inactivated. Application number 09/424,670 has now been re-activated. Accordingly, the papers filed on 02 March 2000 have been placed in application number 09/424,670. Purported application 09/486,799 is no longer an active application number and should not be used in any future correspondence regarding this application. Accordingly, applicants should use application number **09/424,670** in all future communications with the Patent and Trademark Office in regards to the U.S. national stage of international application PCT/JP99/01649.

The declaration of inventors filed 11 May 2000 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **DISMISSED** as **MOOT**.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including: (1) ensuring

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entry into the PALM database of all papers received and mailed in application number 09/424,670; and (2) according the application a 35 U.S.C. 371 date of 11 May 2000.



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